

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 97-20048

DAVID ORLANDO NAJAR,

Defendant.

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**OPINION AND ORDER DENYING DEFENDANT'S MOTION FOR REDUCTION OF  
TERM OF IMPRISONMENT PURSUANT TO 18 U.S.C. § 3582(C)(2)**

The matter is before the court on a determination for a possible reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). The court appointed the Federal Defender's Office "to determine eligibility, confer with the Probation Department and the U.S. Attorney's Office, and gather the pertinent information to assist the court in expeditiously resolving any pending or intended 18 U.S.C. § 3582(c) motions." (3/13/08 Order at 1.) The Federal Defender's Office has since filed a statement asserting Defendant Najar's ineligibility for a modification due to his career offender status. See *United States v. Perdue*, — F.3d —, 2009 WL 2015242 (6th Cir. July 14, 2009). The court has reviewed the July 15, 2009 statement and is satisfied that Defendant is ineligible for a modification. Accordingly,

IT IS ORDERED that Defendant's motion for reduction of term of imprisonment

pursuant to 18 U.S.C. § 3582(c) [Dkt. # 64] is DENIED, and the matter is deemed closed.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: July 29, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 29, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522